THE HONOURABLE SRI JUSTICE
B.SESHASAYANA REDDY

WRIT PETITION NO.20913 of 1999

Disposed of on : 05-07-2006.

BETWEEN:

THE PUJITA PACKING PRODUCTS
(PRIVATE) LTD.,
REP. BY ITS DIRECTOR SMT. P.MALLIKA
PLOT NO:70 & 78, AUTONAGAR,
VISAKHAPATNAM

.. PETITIONER

AND

THE ASSISTANT COMMISSIONER
OF LABOUR (1ST CIRCLE)
O/O DEPUTY COMMISSIONER OF LABOUR,
PEDAWALTAIR,
VISAKHAPATNAM AND ANOTHER

.. RESPONDENTS

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ORAL ORDER:

Learned counsel appearing for the petitioner submits that the issue involved in this writ petition is squarely covered by the judgment of this court in W.P.No.6023 of 1994 disposed of on 17-6-2004 and therefore this writ petition deserves to be allowed.

The writ petitioner is a company registered under the Companies

Act, 1956. The relief sought for in the writ petition is to set aside the proceedings in MW.CASE NO.165 OF 1999 initiated by Assistant Labour officer (VI CIRCLE) O/o Deputy Commissioner of Labour, Vishakhapatnam under section 20 of Minimum Wages Act, 1948.

Learned counsel appearing for the petitioner submits that the business of the petitioner-company is not notified under the Minimum Wages Act, 1948 and therefore the proceedings issued by 2nd respondent are to be declared as null and void. He refers the judgment of this court in W.P.No.6023 of 1994 disposed of on 17-6-2004. Para 4 of the said judgment reads as under:

> " 4. It is to be noted that when the petitioner management is engaged in a carton packaging industry, to claim the difference of minimum wages, the appropriate Government has to notify the minimum wages in respect of the said industry. But, however, the claim made by the Assistant Commissioner of Labour before the authority claiming the minimum wages on the basis of the notification prescribed for printing and litho press, which is not applicable to the case of the petitioner. Under those circumstances, the authority has no jurisdiction to entertain such an application."

Since the issue covered in this writ petition is squarely covered by the judgment of this court in W.P.No.6023 of 1994 disposed of on 17-6-2004, this writ petition is allowed setting aside the proceedings in MW.Case No.165 of 1999 initiated by the 2nd respondent under Sec.20 of Minimum Wages Act.

Dt: 5-7-2006. (B.Seshasayana Reddy,J)

Tnb

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Dated: 05-07-2006.